

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED
6/16/22 9:20 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:	:	Case No.:	21-21546-GLT
	:	Chapter:	13
Erle W. Patterson, Jr.	:		
	:		
	:	Date:	6/15/2022
<i>Debtor(s).</i>	:	Time:	10:30

PROCEEDING MEMO

MATTER: # 40 Conciliation hearing held. Contested Confirmation Hearing requested
- Lack of payments. Also unresolved objections to plan. From 5/26/2022 conciliation conference.
41 - Objection to Confirmation of Plan filed by the ch.13 trustee

APPEARANCES:

Debtor:	Russell A. Burdelski
Trustee:	Owen Katz

NOTES: [11:03 a.m.]

Katz: We received a large payment from the Debtor in April. Based on the Debtor's Schedules I/J, the plan appears to be unfeasible. For the most part, we have not received information requested.

Burdelski: The Debtor was notified of all of the deficiencies noted by the trustee. This is the Debtor's second case. In his first case, he paid over \$40,000 into the case. The Debtor's property has not changed since the prior case. I do agree that there needs to be some consequences for the Debtor. The Debtor is unfortunately not very organized. He's a self-employed contractor.

Court: If there is no equity in the home, what is the risk to the Debtor?

Burdelski: The Debtor will be at risk of keeping his home.

Court: If there is no equity in the home, the trustee will not have an interest in pursuing the home. If there is equity, then that needs to be preserved. It seems that there is no dispute as to whether cause exists. Because there is a potential for finding value in the property to the benefit for unsecured creditors, I find conversion to be appropriate. Deny confirmation and grant the trustee's motion to convert.

OUTCOME:

1. Confirmation of the *Chapter 13 Plan* [Dkt. No. 15] is DENIED and the case is converted to chapter 7. [HT to enter proposed order at Dkt. No. 41-1].

DATED: 6/15/2022